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ADMINISTRATIVE LAW SECTION of AMERICAN BAR ASSOCIATION

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THE 1952 ANNUAL MEETING

A summary of the proceedings of the 1952 Annual Meeting in San Francisco was published in the November, 1952, issue of the American Bar Association JOURNAL, p. 957-8. That summary did not review the address given the Section by Dean E. Blythe Stason of Michigan Law School with respect to pre-trial procedures before administrative agencies. It is hoped that this address will be covered in an early issue of the JOURNAL.

Resolutions adopted by the Section appear in text in the issue of the JOURNAL referred to above. Already adopted by the House of Delegates is a resolution supporting reviewability of the determinations of contracting officers and reviewing officials under the finality clause of government contracts. To be presented in February are resolutions respecting a code of conduct for government employees (in particular, S. 2293, 82d Cong., by Senator Humphrey) and the views of a special committee on that subject now in process of formulation, and amendment of the by-laws with respect to section dues (to be increased to $5 a year—largely by reason of the cost of printing and distributing the Bulletin) and the terms of section officers (to be enlarged to two years, commencing with the officers elected at the San Francisco meeting).

Your Committee Assignment

If you served on a committee last year and it is still in existence, that assignment will continue during the coming year unless you request a change. If you desire an assignment, or a change, or if you wish an additional committee assignment, communicate your request immediately to each committee chairman involved (names of chairmen and vice chairmen appear below).

Section Committees

Nine of the committees of the Section are committees with respect to *particular federal agencies or activities.* These deal vis-a-vis the respective agencies indicated by the committee titles and bring together within the Section the specialized practitioners who are interested in procedural improvement in the areas in which they have a day-to-day concern. Six additional Section committees deal with *particular legislation or proposals.* These committees deal, on an inter-agency across-the-board

manner within their respective subject matters, and, together with the first group of committees, thus enable the Section to act on both a generalized and a particularized basis.

The Section also has six general or miscellaneous committees which deal with "housekeeping" or other matters of concern to the Section. Included in this group is the *National Committee* to which is assigned the task of coordinating the functions of all the committees concerned with federal administrative law. To facilitate the performance of that task the chairman of each of the committees of the Section is ex officio a member of the National Committee.

In order to avoid, so far as practicable, an overlapping and duplication of effort within the Association respecting its overall activities in the field of administrative law and matters closely related thereto, this Section and its constituent units concentrate their efforts upon the procedural and operational aspects of administrative law. Thus, for example, it will not deal with labor law, public utility law, etc., as such, but only with the procedures and process provided or which should be provided for administration of such laws. This is not to minimize the importance of the Section's word: fairness of administrative handling of the public business is every bit as substantial an element of justice as the substantive policy being administered. The best conceived policy of the law being administered would be hollow without the guarantee of fairness.

The Section's house organ, the *Bulletin*, serves not only as a means of providing the Section membership generally with timely and useful information, but also as a means of acquainting the members of the Section with the activities of the various committees. The several committees of the Section are expected to submit for publication in the *Bulletin* their reports. This year the annual meeting is being held a month earlier (August) than usual. Accordingly, an effort should be made to submit committee reports—or if that is not possible at least tentative reports—by June 1, 1953.

The chairman of each committee of the Section is charged with the responsibility for seeing that his committee surveys and reports to the Section all of the procedural problems arising out of the subject matter assigned to his committee. At the very minimum, the chairmen of the committees, where appropriate, are expected to ascertain and describe the various statutes relating to the subject matter assigned to the committees, the extent to which procedural aspects involved in the administration of the statutes have been recognized and dealt with, and to express the principal areas in which an appraisal of the adequacy of the procedures provided would appear to be fruitful.

Current legislative proposals are frequently forwarded to particular chairmen for the consideration of their committees and report. This is routinely done by the Chairman of the National Committee; but committee members or members of the Section at large are invited to bring current legislative proposals to the attention of the chairman of the Section, the chairman of the National Committee, and any particular committee chairman whose committee may

be interested. Despite our best attention, Congressional bills or amendments or riders have sometimes not come to the attention of any committee until too late for the Section to be fully effective prior to their enactment. No committee member or committee chairman need wait on the reference of a bill or other legislative proposal to alert his committee, commence study, and initiate a report.

The chairman of each committee is requested to send a copy of his more important correspondence to both the chairman of the National Committee and the chairman of the Section. This is particularly important with respect to instances in which the project in which one is pursuing is of official concern to other committees of the Section.

The Section must function within the framework of the Association. Accordingly, its dead-lines are governed by the time schedules of the parent organization. Normally, Association consideration of Section recommendations should be requested at either the annual meeting or the Mid-Winter meeting in Chicago of the House of Delegates. Between times, however, especially important and urgent matters will be considered by the Board of Governors at either its November or May meetings. The agenda for all four of these organizations, however, are usually completed at least a month in advance. Accordingly, a Section committee recommendation should be submitted in time for it to clear the chairman of the Section at least six weeks before the Association meeting at which it is to be considered. This means that a Section committee recommendation, depending upon whether it should have the intermediate attention of the chairman of the National Committee or the comment of some other Section committee, should be forwarded by the respective Section committee, at the very least, not less than two months in advance of the Association or Board of Governors meeting at which it is to be considered. Naturally the dead-lines just indicated will vary depending upon the simplicity or the non-controversial character of the recommendation.

It is important that each committee chairman maintains files relating to the work of his committee in such manner that they may be transmitted to his successor in the committee chairmanship the following year. In this way, the committee activity will be given continuity. Committee files are Section property, to be transmitted to the successor chairman or (if the committee be terminated) to the Section chairman for the Section files.

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